

# **RELOCATION PLAN**

## ***The Paseo Project*** ***and*** ***The Religious Centers Project***

**(Within the College Community  
Redevelopment Project Area)**

**Prepared for:**

**The City of San Diego Community and Economic Development Department  
and the City of San Diego Redevelopment Agency**

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# INTRODUCTION

The San Diego State University Foundation (SDSUF) has proposed two development projects to be constructed simultaneously on a total of approximately 13 acres of improved land located in close proximity to the campus of San Diego State University. The first, known as The Paseo Project, is an 11-acre mixed-use development which would create approximately 250,000 square feet of retail space, approximately 25,000 square feet of service/support space, approximately 100,000 square feet of campus serving office space and approximately 461 student apartments. Funding for The Paseo Project would be secured through the proceeds from bonds issued by SDSUF and the potential contribution of tax increment and tax increment set-aside funds from the San Diego Redevelopment Agency (the Agency). Agency funding, if approved, would be used to assist in the construction of the retail portion of the development and to secure an affordability covenant covering up to 25% of all newly created housing beds. The Paseo Project is located in the Mixed-Use Area of the Core Sub-Area of the College Community Redevelopment Project.

The Second proposed project is known as the Religious Centers Project. This project would be constructed on approximately 2.4 acres of land located within the Residential District of the Core Sub-Area of the College Community Redevelopment Project. The project would create new sites for 4 different religious centers, 3 of which are now functioning within the boundaries of the proposed Core Sub-Area. A precise development plan and financing mechanism for the project has not yet been developed.

Following through with the land acquisition and relocation necessary to proceed with both projects would result in the potential displacement of 5 residential tenants, 14 commercial businesses, 8 group living facilities and 4 religious center facilities. Agency involvement in the two projects would mean, for legal purposes, the undertaking would be considered a public project. According to the California Relocation Assistance Law (California Government code Section 7260 et seq.) and the relocation assistance guidelines (California Code of Regulations, Title 25 Chapter 6), public projects involving residential displacement require the preparation of a relocation plan subject to public review and the approval of the local legislative body prior to the undertaking of any displacing activity.

The general purposes of the relocation plan are to describe: 1) the circumstances of potential displacees, 2) the availability of appropriate replacement housing resources, 3) the general market for commercial properties and, 4) a program which complies with State statutory requirements to provide eligible displacees with advisory and financial assistance. The preparation of a relocation plan fulfills an important administrative requirement but does not, by itself, imply a commitment to proceed with any proposed project.

This relocation plan (the Plan) was written by Overland, Pacific & Cutler, Inc. (OPC), a professional consulting firm specializing in public agency acquisition and relocation projects. The Plan is organized in 5 sections:

1. A description of the regional location and specific site setting of the proposed projects **(SECTION I)**;
2. An assessment of the relocation needs of residential tenants, non-profit uses and commercial businesses subject to displacement as a result of the projects **(SECTION II)**;
3. An assessment of available, comparable replacement housing units and the market for commercial properties in proximity to the projects **(SECTION III)**;
4. A description of the relocation assistance program **(SECTION IV)**; and
5. Project relocation cost budget, displacement timing and other necessary administrative provisions **(SECTION V)**.

## I. PROJECT AREA DESCRIPTION

## A. THE REGIONAL LOCATION

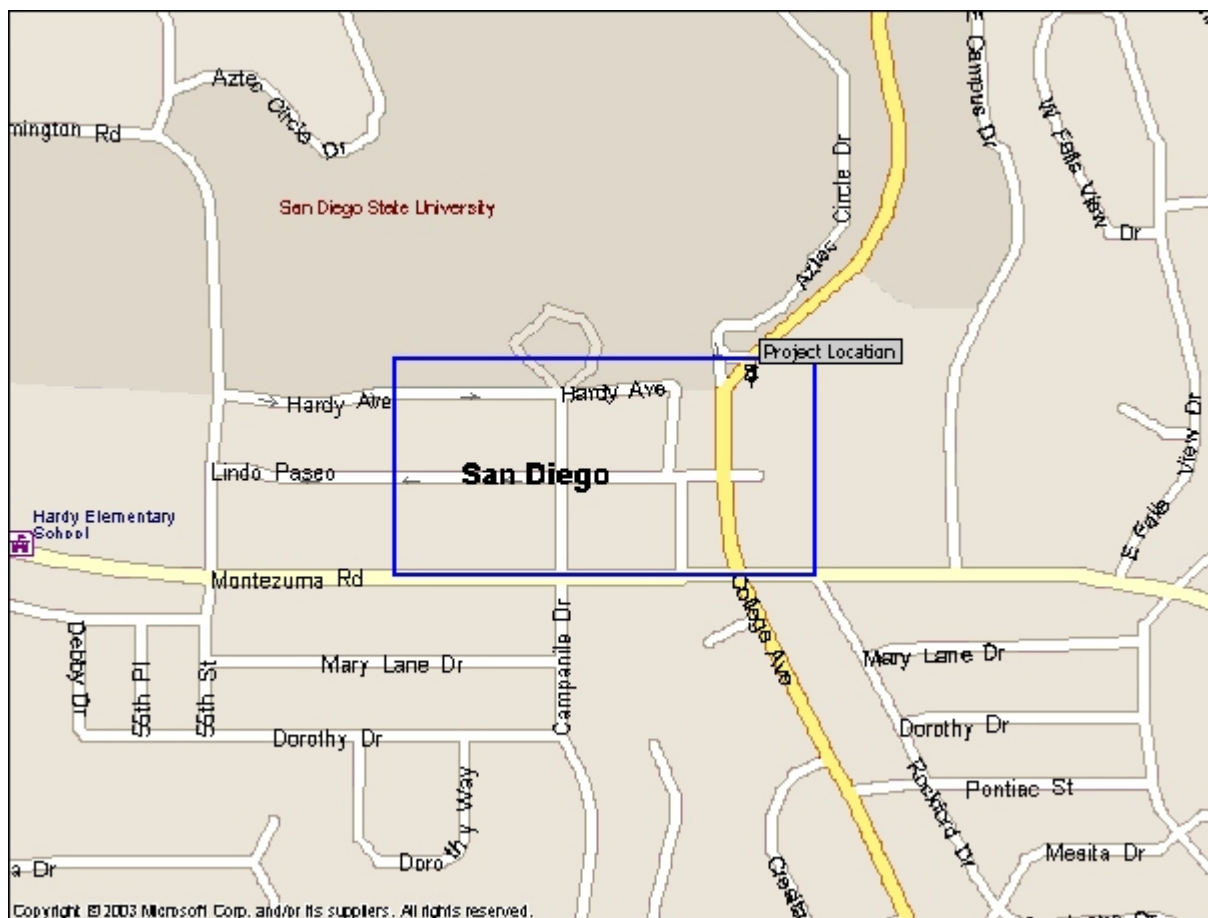
The two proposed projects are located in the City of San Diego. The City of San Diego is located approximately 130 miles south of downtown Los Angeles and 20 miles north of the international border with Mexico. The City is immediately accessible from Interstate Highways 5 and 15. (See *Figure 1: Regional Project Location*)



**Figure 1: *Regional Project Location***

## B. PROJECT SITE LOCATION

The two projects are located just south of Interstate 8 and east of Interstate 15 and are generally bounded by the San Diego State University campus (Aztec Walk) on the North, an alley East of College Avenue on the East, Montezuma Road on the South and 55<sup>th</sup> Street on the West. (See *Figure 2: Project Site Location*)



**Figure 2: Project Site Location**

## C. GENERAL DEMOGRAPHIC & HOUSING CHARACTERISTICS

The 2000 U. S. Census (the Census) determined the population of the City of San Diego to be 1,223,400. The population of Census Tract 28.01, where the projects are located, was determined to be 3,776. The ethnic breakdown within the City and Census Tract are presented below (see **Table 1**). The housing mix according to the Census is shown below in **Table 2**.

<b>TABLE 1: City of San Diego/Census Tract 28.01 - 2000 Census Data</b>				
<b>POPULATION - 2000</b>	<b>Tract 28.01</b>	<b>%</b>	<b>City</b>	<b>%</b>
<b>White</b>	2,952	78.2%	736,207	60.2%
<b>Black or African American</b>	176	4.7%	96,216	7.9%
<b>American Indian and Alaska Native</b>	16	0.4%	7,543	0.6%
<b>Asian</b>	258	6.8%	166,968	13.6%
<b>Native Hawaiian and Other Pacific Islander</b>	11	0.3%	5,853	0.5%
<b>Some Other Race</b>	251	6.6%	151,532	12.4%
<b>Two or More Races</b>	112	3.0%	59,081	4.8%
<b>Hispanic or Latino (of Any Race)</b>	553	14.6%	310,752	25.4%

<b>TABLE 2: City of San Diego Housing Units - 2000 Census Data</b>		
<b>Type</b>	<b>Total</b>	<b>Percentage</b>
<b>Total Units</b>	469,689	100.0%
<b>Owner-Occupied</b>	223,280	49.5%
<b>Renter-Occupied</b>	227,411	50.5%
<b>Vacant Housing Units</b>	18,998	4.0%
<b>Available for Sale Only (of Total Units)</b>	1,806	9.5%
<b>Available for Rent - Full Time Occupancy (of Total Units)</b>	7,511	39.5%
<b>Sold or Rented - Not Occupied</b>	1,787	9.4%
<b>Otherwise Not Available (e.g. seasonal, recreational, migratory, occasional use)</b>	5,100	26.8%



## II. ASSESSMENT OF RELOCATION NEEDS

### A. SURVEY PROCESS

Personal interviews were conducted with potentially affected apartment residents, students living in group housing facilities (fraternity and sorority houses and a privately owned residence) and both for-profit business owners and non-profit organizations in May, 2004. Interviewers were successful in obtaining survey responses from all apartment residents, fraternity/sorority groups and non-profit organizations and business owners. The survey did not extend to those businesses, organizations and residential tenants who had previously executed relocation assistance waiver agreements with SDSUF either as a condition of tenancy or through all-inclusive settlement agreements.

Inquiries made of apartment residents concerned household size and composition, income, monthly rent obligation, length and type of occupancy, ethnicity, home language, disabilities/health problems, and replacement housing preferences. Interviewers spoke with representatives of and, in some cases, residents of each of the group living facilities. Questions concerned the nature of each of the facilities and the manner in which they are operated. Survey questions of business owners and non-profit organizations concerned the nature of the business, leasehold circumstances, annual revenues, description and size of current operations, special facility requirements, and area/facility preferences with respect to possible replacement locations.

The occupant data in this Plan are based solely on anecdotal responses. No efforts have been made to qualify information provided by residents or business owners. Samples of the residential and business interview forms used in the interview process are presented as **Exhibits C** and **D** of this report.

### B. FIELD SURVEY DATA

#### Residential

Residential facilities in the two project areas include 8 group living facilities and a 10 unit apartment building. The group living facilities include 2 fraternities, 2 sororities, one rental house owned by a religious center facility and 2 privately owned residences which offer individual rooms for rent. Individually, these provide from 4 to 16 sleeping or dormitory rooms along with communal bath, kitchen and social facilities. They are used exclusively by university students on a non-permanent basis. The 10 unit apartment building includes

4 one-bedroom and 6 two-bedroom units. At the time interviews were conducted, each of the units was occupied. The information presented below pertains to the 5 apartment households who, as possible full-time residents, are the only potential residential recipients of relocation assistance in the two project areas. Only one of the 5 potentially eligible households does not have a student occupant.

### **1. Housing Mix and Rents**

The housing mix consists of a single multi-family building (see **Exhibit A** for photographs). The building contains 4 one-bedroom, 1 bath and 6 two-bedroom, 2 bath units. Among the 5 potential displacees, one-bedroom rents range from \$615 - \$700 and the two-bedroom rents are both \$1,050.

### **2. Occupancy/Overcrowding**

The 5 potential displacee households include a total of 9 individuals, all adults. None of 5 have more than 2 occupants. The commonly accepted standard for housing density allows two persons per bedroom and one person in a common living area. Based on this criterion compared to available tenant data, there are no overcrowded units in the subject property.

### **3. Replacement Housing Needs**

Replacement housing needs are defined by the total number of required units and the distribution of those units by bedroom size. The bedroom size of replacement units is determined by comparing reported household size with the Agency's replacement housing occupancy standards. These standards, generally, allow for up to 3 persons in a one-bedroom unit and 5 persons in a two-bedroom unit. The replacement housing needs for the Project mimic the current housing situation, i.e, 3 one-bedroom and 2 two-bedroom units.

### **4. Income**

Income information was provided by each of the 9 potential displacees. In all but a few circumstances, the majority of financial support appears to come from family sources. In only three cases did reported income exceed rent.

## 5. Ethnicity/Language

The ethnic make-up of the 5 potential displacee households is:

3 Hispanic/ 1 White / 1 Asian

Each of the subjects identified English as their primary household language.

## 6. Senior/Handicapped Households

There are no senior households (head of household sixty-two years or older). One individual suffers from cerebral palsy and will require ground floor accommodations as well as convenient access to public transportation.

## 7. Relocation Preferences

Three (3) of the 5 potential displacee households wish to remain in close proximity to campus. One household indicated a desire to move to Fashion Valley and another expressed a wish to purchase a home somewhere in central San Diego.

## Commercial and Non-Profit Organizations

**Tables 3, 4 and 5** list the 14 commercial businesses, 4 non-profit religious organizations and 5 non-profit group living facilities currently in operation within the boundaries of the two proposed projects.

<b>TABLE 3: Commercial Businesses</b>					
<b>Business Name</b>	<b>Type of Business</b>	<b>Est Sq. Ft.</b>	<b>Particular Features</b>	<b>Site Move-in</b>	<b># of Employees</b>
ARCO	Gas Station & Groceries	1,200	11,000 sq ft building, 8 pumps, AM/PM convenience store	01/02	3
La Torta Mexican Deli	Deli Restaurant & Bakery	1,428	bakery equipment, service counter	09/03	5
4.0 Deli	Sandwich Deli	1,919	grill, hood, soda fountain	11/01	8
Oshi's Kitchen	Sushi, Korean & Japanese Restaurant	770	sushi bar, counter, register, dinning area	02/03	4

**TABLE 3: Commercial Businesses**

Business Name	Type of Business	Est Sq. Ft.	Particular Features	Site Move-in	# of Employees
Trujillos Taco Shop	Authentic Mexican Food	2,500	kitchen, walk-in freezer, beer taps, register	01/02	5
McDonalds	Fast Food Restaurant	4,200	2 levels, drive-through	01/80	30
Jack In The Box	Fast Food Restaurant	2,000	fast production kitchen, drive-through	unk	unk
Pizza Enterprises, Inc.	Restaurant	1,500		01/00	4
College Soap Opera	24 Hour Coin Laundry	952	change maker, soap vending machine, 16 washers & dryers	01/01	1
Pablos Shoe Repair	Shoe Repair Service & Retail	300	sewing machines, buffer, counter	01/84	1
Perfection Nails	Nail Salon	600	4 stations	03/03	2
7/11	Quick Shop Food, Drinks, Lotto	2,500	12 door walk-in cooler, 4x6 ice freezer	unk	unk
First Class Notes	non-profit service	1,300			
K B Books	College Books, Supplies, Clothing	4,000		unk	unk
<b>Totals</b>		<b>25,169</b>			<b>63</b>

**TABLE 4: Religious Center Uses**

Organization Name	Use	Est Sq. Ft.	Relocation Plans
Wesley Foundation	student religious services	4,700	Expected to be relocated within Religious Centers Project
LDS Institute of Religion	student religious services	8,771	Expected to be relocated within Religious Centers Project
Catholic Newman Center	student religious services	4,306	Expected to be relocated within Religious Centers Project
Lutheran Campus Center	student religious services	2,958	Expected to be relocated within Religious Centers Project

<b>TABLE 5: Non-Profit Group Living Facilities</b>				
<b>Organization/Owner's Name</b>	<b>Use</b>	<b># Rms</b>	<b>Max # of Residents</b>	<b>Relocation Plans</b>
Alpha Chi Omega	sorority	11	34	Expected to relocate to Sorority Row
Sigma Kappa	sorority	9	22	Expected to relocate to Sorority Row
Wesley House Foundation	student housing	4	4	
Alpha Gamma Omega	fraternity	7	10	Expected to be relocated to Fraternity Designated Area in Core Sub-Area
Sigma Phi Epsilon	fraternity	12	24	Expected to be relocated to Fraternity Designated Area in Core Sub-Area

One of the objectives of the Religious Center Project is to re-accommodate the 4 religious center facilities which will have to be relocated to proceed with The Paseo Project and The Religious Centers Project. Pursuant to a Participation Agreement dated October 5 1993, between the Redevelopment Agency of the City of San Diego and California Pacific Annual Conference of the United Methodist Church, Synod of Southern California and Hawaii Presbyterian Church, USA, United Jewish Federation of San Diego County, The Roman Catholic Bishop of San Diego, Lutheran Campus Council of San Diego, and Corporation of the President of the San Diego Stake of the Church of Jesus Christ of Latter Day Saints (Participants), a designated Redeveloper shall accomplish the relocation and replacement of the Participants' facilities in compliance with the provisions of such Participation Agreement. It is anticipated that SDSUF shall be the designated Redeveloper and within thirty days after the execution of the DDA by the Agency, the SDSUF, as Redeveloper, shall deliver to each Participant, a notice and draft Relocation Agreement pursuant to the Participation Agreement. SDSUF hopes to be able to enable these facilities to continue functioning during construction through the use of temporary modular units, single-family homes in the Core Sub-Area and/or other facilities.

The 2 sorority houses have made arrangements with SDSUF to rebuild their facilities in Sorority Row, a new development to be located near campus. The 2 fraternity houses are expected to relocate in the fraternity designated area of the College Community Redevelopment Project. The extent to which temporary facilities may be available to help maintain some presence for house members during construction is being considered.

Restaurants dominate the commercial business mix which also includes several service and retail uses as well as an Arco gas station and convenience store. For most, if not all business uses, locations close to campus are the preferred alternative.

### III. RELOCATION RESOURCES

#### A. METHODOLOGY

A survey to determine the availability of comparable replacement housing and commercial space within an approximately 5 mile radius of the campus was conducted in May, 2004. The following sources and methods were utilized:

- Windshield surveys conducted within the prescribed radius
- Classified rental listings from The *San Diego Union Tribune*
- Referrals from local property management companies and commercial brokerages
- Internet listings

#### B. REPLACEMENT HOUSING AVAILABILITY

##### 1. Residential Rental Housing

Replacement housing survey data are summarized in **Table 6**. The survey identified a total of 153 available 1 and 2 bedroom units. The individual figures for number of units found by bedroom size are presented alongside the number of units needed (shown in parentheses) to meet re-housing obligations.

The market comparable rent amounts shown in **Table 6** are among the figures used to make benefit and budget projections for the Plan. These amounts are subject to change according to the market rates prevailing at the time of displacement. Average rents among Project residents are in line with market rates for similarly sized replacement units.

<b>TABLE 6: Availability and Cost of Replacement Rental Housing</b>		
<b>Bedroom Size</b>	<b>One</b>	<b>Two</b>
<b># Found ( # needed)</b>	63 (3)	90 (2)
<b>Rent Range</b>	\$650-\$950	\$775-\$1,695
<b>Market Comparable Rent</b>	\$750	\$1,050

## 2. Commercial Space Availability

The data obtained from a search for nearby available restaurant and retail space is summarized below in **Table 7**.

<b>TABLE 7: Availability and Cost of Local Commercial Space</b>			
<b>Use</b>	<b># of Properties Found</b>	<b>Sq. Ft. Range</b>	<b>Cost/Sq. Ft. (Median Cost)</b>
<b>Restaurants</b>	3	700 - 2,500	\$1.25 - \$1.55 (\$1.50)
<b>Retail</b>	20	735 - 6,000	\$0.50 - \$2.00 (\$1.25)

Cost and location are always critical factors in the relocation of commercial uses and there can be no representations made in advance concerning how satisfactorily business owners will view available market options. In addition to the relocation options that may be available elsewhere, it is anticipated that a number of the existing commercial and food uses will be provided with the opportunity to take space in the Paseo Project. In keeping with the College community redevelopment Plan, all displaced businesses will be extended a preference, subject to reasonable terms and conditions, to remain in business within the redeveloped area. Timing, of course, will be a major issue given the 2-3 years needed for project completion.

## C. RELATED ISSUES

### 1. Concurrent Residential Displacement

Given the very limited amount of permanent displacement which would result from the two proposed projects, no current or anticipated public projects can be expected to affect the availability of comparable replacement housing for displacees.

### 2. Temporary Housing

No need for temporary housing is anticipated.

### 3. Loss of Business Goodwill

Business goodwill consists of the benefits that accrue to a business as a result of its location, reputation for dependability, skill or quality, and any other circumstances resulting in probable retention of old, or acquisition of new patronage. Where claims

for loss of business goodwill are anticipated, State law (California Code of Civil Procedure Section 1263.510) requires business owners to prove all of the following:

- (1) The loss is caused by the taking of the property;
- (2) The loss cannot reasonably be prevented by relocation of the business, or by taking steps and adopting procedures that a reasonably prudent person would take to preserve the goodwill; and,
- (3) The compensation for the loss has not been included as a relocation payment, or duplicated in compensation otherwise awarded to the owner.

Claims for loss of business goodwill are considered under the acquisition provisions of Government Code Section 7260 et seq. and are not compensable as a function of the relocation assistance program.



## IV. THE RELOCATION PROGRAM

The Agency will provide displacees the assistance, rights and benefits required under State relocation law and the relocation guidelines. The relocation program will provide both advisory and financial assistance. Every effort will be made to facilitate relocation arrangements and minimize hardships for displacees.

### A. ADVISORY ASSISTANCE

Advisory assistance services are intended to inform displacees about the Agency's relocation program, help in the process of finding appropriate replacement accommodations, facilitate claims processing, maintain a communication link with the Agency and coordinate the involvement of outside service providers.

To follow through on the advisory assistance component of the relocation program and assure that the Agency meets its obligations under the law, relocation staff will perform the following functions:

1. Distribute written information concerning the Agency's relocation program to each residential and commercial displacee (See **Exhibits D and E**);
2. Personally inform all displacees of the nature of and procedures for obtaining available relocation assistance and benefits;
3. Determine the eligibility, needs and relocation preferences of each residential and commercial displacee;
4. Provide residential displacees with at least three referrals to comparable, decent, safe and sanitary replacement housing within a reasonable time prior to displacement;
5. Maintain a database of available housing resources and commercial space and distribute replacement site referrals for the duration of the Project;
6. Provide transportation to displacees, if requested, to inspect replacement sites within the local area. Offer special assistance to help elderly residents find housing near friends, relatives, medical facilities and services and convenient transportation;

7. Make referrals to governmental and non-governmental service providers such as:
  - (a) Federal Social Security Administration
  - (b) San Diego Neighborhood Housing Services
  - (c) San Diego Housing Commission
  - (d) San Diego Home Loan Counseling Service
  - (e) San Diego County Department of Social Services
8. Assist each eligible displacee with the preparation and submission of relocation assistance claims;
9. Assist residential displacees with arrangements necessary to rent or purchase comparable decent, safe and sanitary replacement housing;
10. Make benefit determinations and payments in accordance with applicable law and Agency policy;
11. Assure that no displacee is required to move without a minimum of 90 days written notice to vacate;
12. Inform all persons subject to displacement of the Agency's policies with regard to eviction and property management;
13. Establish and maintain a formal grievance procedure for use by displaced persons seeking administrative review of the Agency's decisions with respect to relocation assistance; and
14. Provide assistance that does not result in different or separate treatment due to race, color, religion, national origin, sex, marital status or other arbitrary circumstances.

## **B. RELOCATION BENEFITS - RESIDENTIAL OCCUPANTS**

Relocation benefits will be provided in accordance with the applicable provisions of the State relocation law and guidelines. Benefits will be paid to eligible displaced persons upon submission of required claim forms and documentation regarding the rental or purchase of decent, safe and sanitary replacement housing.

Eligibility requirements and calculations will be detailed on an individual basis with all displacee households. In the course of personal interviews and follow-up visits, each displacee household will receive counseling regarding available benefit options and the requirements to claim compensation for moving payments and replacement housing assistance.

Agency staff will promptly evaluate advance payment requests meant to alleviate hardships for tenants who do not have access to sufficient funds to pay move-in costs such as first month's rent and/or security deposits. Approved requests for advance payments will be processed expeditiously to help avoid the loss of desirable, appropriate replacement housing.

## **1. Residential Moving Expense Payments**

All residential displacees will be eligible to receive a payment for moving expenses. Moving expense payments will be based either on the actual cost of a professional move or a fixed payment amount determined by room count.

### **a. Actual Cost (Professional Move)**

Displacees may elect to retain the service of a professional mover. The cost of professional moving services will be based on the lower of at least two acceptable bids obtained from licensed, professional movers. The Agency may also obtain bids, at its own discretion, in order to determine the most qualified low-bidder for the move. The Agency will make direct payment to the selected mover, if requested, or provide reimbursement upon presentation of appropriate documentation substantiating the move.

Compensable moving elements include packing, transportation, un-packing and insurance. Transportation costs beyond 50 miles are not eligible, unless the Agency determines that relocation beyond 50 miles is justified. In addition to payment for the actual move, one-time re-connection fees related to gas, water, electricity, telephone, internet and television service, are eligible for reimbursement. Deposits required by utility and other residential service providers are not eligible for reimbursement.

## b. Fixed Payment (Room Count Schedule Method)

As an alternative to a professional move, a residential displacee may elect to receive a fixed payment for moving expenses based on the number of furnished or unfurnished rooms in the displacement dwelling. Residential displacees who elect to receive a fixed payment assume full responsibility for the move including the expense of utility re-connections described in (a), above. The current schedule for fixed moving payments is set forth in **Table 8**:

<b>TABLE 8: Schedule of Fixed Moving Payments</b>									
<b>Unfurnished Dwelling</b>									
Room Count	1	2	3	4	5	6	7	8	each additional
Amount	\$575	\$750	\$925	\$1,100	\$1,325	\$1,550	\$1,775	\$2,000	\$200
<b>Furnished Dwelling</b>									
Room Count	1	each additional							
Amount	\$375	\$60							

Source: California Department of Transportation

## 2. Rental Assistance To Tenants Who Choose to Rent

A tenant displaced from a dwelling may be entitled to a Replacement Housing Payment in the form of rental or downpayment assistance not-to-exceed \$5,250 (prior to consideration of eligibility for Last Resort Housing benefits - see Last Resort Housing this Section, Paragraph 7), if the displacee:

- (1) Has actually and lawfully occupied the displacement dwelling as a permanent or customary and usual place of abode for not less than 90 days immediately prior to the initiation of negotiations; and
- (2) Has rented, or purchased, and occupied a decent, safe, and sanitary replacement dwelling within 1 year (unless the Agency extends this period for good cause) after the date he or she moves from the displacement dwelling.

Rental/Downpayment Assistance payment amounts are equal to 42 times the difference between the base monthly rental and the lesser of:

- (i) The monthly rent and estimated average monthly cost of utilities for a comparable replacement dwelling; or
- (ii) The monthly rent and estimated average monthly cost of utilities for the decent, safe, and sanitary replacement dwelling actually occupied by the displaced person; or
- (iii) The total of the amount designated for shelter and utilities if receiving a welfare assistance payment from a program that designated the amounts for shelter and utilities.

The base monthly rental for the displacement dwelling is the lesser of:

- (i) The average monthly cost for rent and utilities at the displacement dwelling for a reasonable period prior to displacement, as determined by the Agency; or,
- (ii) Thirty percent (30%) of the displacee's average gross household income. If a displacee refuses to provide appropriate evidence of income or is a dependent, the base monthly rental shall be determined to be the average monthly cost for rent and utilities at the displacement dwelling. A dependent is defined as an individual or household receiving 50% or more of household income from gifts from another person, academic scholarships or stipends.

### **3. Downpayment Assistance To Tenants Who Choose to Purchase**

Residential displacees eligible to receive a rental assistance payment, may choose to utilize up to the full amount of their rental assistance eligibility (including any Last Resort benefits) to purchase a replacement dwelling, provided that the entire eligibility amount is used toward the downpayment and eligible incidental closing costs. In the case of Downpayment Assistance claims, the Agency will arrange for the deposit of the total rental assistance eligibility amount in an open escrow account. Provisions will be included in the escrow instructions to assure the prompt return of all Agency provided funds in the event escrow is cancelled by either party or should fail to close within a reasonable period of time.

#### **4. Payments To Non-Tenured Residential Tenants**

Non low-income residential tenants with less than 90 days of continuous occupancy prior to the Agency's acquisition of the property, will only be eligible to receive a moving expense payment in accordance with Section 1b above.

#### **5. Last Resort Housing**

The Agency anticipates that it may be necessary to make rental assistance payments in excess of the statutory cap of \$5,250 to assure the availability of comparable replacement rental housing. Rental assistance payments to low-income non 90-day tenants and rental assistance payment amounts in excess of the statutory caps are considered (CCR Title 25 Chapter 6 Section 6139) to be Last Resort Housing (LRH) payments.

The Agency, at its discretion, may opt to pay LRH rental assistance payments on a periodic basis. Recipients of LRH rental assistance who intend to purchase rather than re-rent replacement housing have the right to request a lump sum payment of all benefits for the purpose of making a downpayment and paying standard, non-recurring closing costs. Households receiving periodic payments may elect, at any time, to request a lump sum payment of all remaining benefits to assist with the purchase of a decent, safe and sanitary dwelling.

### **C. RELOCATION BENEFITS - COMMERCIAL USES**

Eligible businesses and non-profit organizations are entitled to select: 1) compensation for actual reasonable and necessary moving and related expenses, or 2) a fixed moving payment not to exceed \$20,000.

#### **1. Payment for Actual Reasonable and Necessary Moving and Related Expenses**

This payment may include the following costs:

- Transportation of persons and property from the present location to the replacement location (costs are limited to a distance of 50 miles);
- Packing, crating, uncrating, and unpacking personal property;

- Disconnecting, dismantling, removing, reassembling, and installing relocated and substitute machinery, equipment and other personal property. Includes connection to utilities available nearby and modifications necessary to adapt such property to the replacement structure or to the utilities or to adapt the utilities to the personal property;
- Storage of personal property for up to 12 months, at the Agency's discretion;
- Insurance of personal property while in storage or transit and the replacement value of property lost, stolen, or damaged (not through the fault or negligence of the displaced person) in the process of moving, where insurance is not readily available;
- The cost of any special license, permit, or certification required by the displaced business or organization to operate at the replacement location. Service charges or non-refundable fees required by law, licenses or permits needed to operate at the new location are eligible costs. Ineligible expenses related to the replacement site (except under Reestablishment) are those costs such as general occupancy licenses, occupancy permits, building permits, modifications to comply with ADA (Americans with Disabilities Act), or one-time assessments that any business would have to pay for occupancy of a property
- Professional service fees pre-authorized by the Agency, involving architects, attorneys, engineers and other consultants whose services the Agency has been determined to be necessary for: (1) planning the move of the personal property; (2) moving the personal property; or, (3) installing the relocated personal property at the replacement location;
- The purchase and installation of substitute personal property limited to the lesser of: (1) an amount equal to the reasonable expenses that would have been required to relocate the property, as determined by the Agency, subject to certain limitations; or, (2) the replacement cost, less any proceeds from its sale or trade in;

- The modification of machinery, equipment or other personal property necessary to adapt it to the replacement location or to utilities available at the replacement location or modifying the power supply;
- Actual direct losses of tangible personal property resulting from moving or discontinuing a business or non-profit organization, not-to-exceed the lesser of: (1) the fair market value of the property for continued use at its location prior to displacement less any proceeds from the property; or, (2) an amount equal to the reasonable expenses that would have been required to relocate the property, as determined by the Agency.
- Actual and reasonable expenses incurred in searching for a replacement business or non-profit organization location, not-to-exceed \$1,000, and including compensation for transportation expenses; time spent searching for a reasonable location; meals; lodging; and, real estate broker or agent fees;
- A Reestablishment allowance of up to \$10,000, available to nonprofit organizations and small businesses with no more than 500 employees. Reestablishment allowance payments are made in addition to compensation provided for actual, reasonable and necessary moving expenses. Reestablishment allowance expense categories include but are not limited to:
  - 1) Repairs or improvements to the replacement property as required by Federal, State or local law, code or ordinance;
  - 2) Modifications to the replacement property to accommodate the business operation or make replacement structures suitable for conducting business;
  - 3) Construction and installation costs for exterior signing to advertise the business;
  - 4) Provision of utilities from right-of-way to improvements on the replacement site;



- 5) Redecoration or replacement of soiled or worn surfaces at the replacement site, such as paint, paneling or carpeting;
- 6) Licenses, fees and permits when not paid as part of moving expenses;
- 7) Feasibility surveys, soil testing and marketing studies;
- 8) Professional services in connection with the purchase or lease of a replacement site;
- 9) Estimated increased costs of operation during the first 2 years at the replacement site for such items as:
  - a. Lease or rental charges
  - b. Personal or real property taxes
  - c. Insurance premiums, and
  - d. Utility charges, excluding impact fees
- 10) Impact fees or one-time assessments for anticipated heavy usage;
- 11) Other items essential to the reestablishment of the business.

## **2. A Fixed Payment In Lieu of A Payment For Actual Reasonable Moving and Related Expenses**

The option to claim a fixed payment enables both for-profit and non-profit businesses to receive compensation for moving expenses without supplying documentation of moving bids and expenses. The payment amount available to any individual business is based on an average of annual net earnings over a two year period. For businesses which have not been in operation for two years, certified income figures for periods of less than two years can be annualized. The method for establishing income is through tax returns and/or certified financial statements. The payment to an eligible business or non-profit organization may not be less than \$1,000, nor more than \$20,000.

To qualify for this payment a displaced business:

- The business owns or rents personal property, which must be moved in connection with such displacement and for which an expense would be incurred in such move;
- The business is not operated at the displacement site solely for the purpose of renting the site to others;
- Cannot be a part of a commercial enterprise having at least three other establishments which are not being acquired by the Agency, and which is under the same ownership and engaged in the same or similar business activities; and
- Must not be able to relocate without substantial loss of patronage; and
- Must have contributed at least 33 ⅓ percent of the owner's total gross income during each of the 2 taxable years prior to displacement or meet specific earnings criteria.

#### **D. GENERAL INFORMATION ON PAYMENT OF RELOCATION BENEFITS**

Claims and supporting documentation for relocation benefits must be filed with the Agency within 18 months from:

- The date the claimant moves from the acquired property; **or**,
- The date on which final payment for the acquisition of real property is made, whichever is later.

The procedure for the preparation and filing of claims and the processing and delivery of payments will be as follows:

1. Claimant(s) will provide all necessary documentation to substantiate eligibility for assistance;
2. Payment amounts will be determined in accordance with the provisions of the State relocation law and guidelines;

3. Required claim forms will be prepared by relocation personnel and reviewed with claimants. Signed claims and supporting documentation will be submitted by relocation personnel to the Agency;
4. The Agency will review all claims for payment and determine whether to approve, deny, or seek additional information;
5. The Agency will issue benefit checks for distribution to claimants by relocation staff;
6. Final payments will be issued only after confirmation that the Project area premises have been completely vacated and occupancy of the replacement unit is verified;
7. All correspondence, back-up documentation, claims, receipts of payment and notices will be maintained in the relocation case file.

## **V. ADMINISTRATIVE PROVISIONS**

### **A. RELOCATION TAX CONSEQUENCES**

In general, relocation payments are not considered income for the purpose of the Internal Revenue Code of 1968, or the Personal Income Tax Law, Part 10 of the Revenue and Taxation Code. The above statement on tax consequences is not intended to be provision of tax advice by the Agency. Displacees are responsible for consulting with their own tax advisors concerning the tax consequences of relocation payments.

### **B. GRIEVANCE PROCEDURES**

All grievances will be heard by the Agency following standards described in Article 5, Section 6150 et seq., Title 25, Chapter 6, State of California, Department of Housing and Community Development Program guidelines.

Displacees will have the right to ask for administrative review when they believe themselves aggrieved by a determination as to eligibility, the amount of payment, the failure to provide comparable replacement housing referrals or the Agency's property management practices.

### **C. EVICTION POLICY**

1. Under state guidelines, eviction is permissible only as a last alternative. With the exception of persons considered to be in unlawful occupancy, a displaced person's eviction does not affect eligibility for relocation assistance and benefits other than the possible deduction of back rent. Relocation records will be documented to reflect the specific circumstances surrounding the eviction.
2. Eviction may be undertaken only for one or more of the following reasons:
  - a) Failure to pay rent, except in those cases where the failure to pay is due to the lessor's failure to keep the premises in habitable condition, is the result of harassment or retaliatory action or is the result of discontinuation or substantial interruption of services;
  - b) Performance of a dangerous, illegal act in the unit;

- c) Material breach of the rental agreement and failure to correct breach within 30 days of notice;
- d) Maintenance of a nuisance and failure to abate within a reasonable time following notice;
- e) Refusal to accept one of a reasonable number of offers of replacement dwellings;
- f) A requirement under State or local law or emergency circumstances that cannot be prevented by reasonable efforts on the part of the public entity.

#### **D. PROJECTED DATES OF DISPLACEMENT**

The acquisition and relocation elements of the two projects are expected to commence in February, 2005. The two project sites are expected to be cleared and ready for construction by the end of July, 2005.

#### **E. ESTIMATED RELOCATION COSTS**

The total budget estimate for relocation-related payments for this Project, including a 10 percent contingency is as follows:

Relocation - Commercial:	\$1,675,000
Relocation - Residential:	\$35,000
Contingency @ 10%:	<u>\$171,000</u>
<b>TOTAL:</b>	<b>\$1,881,000</b>

**NOTE:** This budget is subject to revision in the event that all or a portion of the 11 residential units and the retail space in The Sanctuary building at 5840 Hardy Avenue, currently under construction, are rented at the time the two projects are approved to proceed. Similarly, given the transient occupancy in the 10 unit apartment building, tenant changes may occur which will alter projected relocation expenses.

The estimated relocation budget does not include any payments related to property acquisition, improvements pertaining to realty, or loss of business goodwill. In addition, the budget does not consider the cost of any services necessary to implement the Plan and complete the relocation element of the Project.

## **EXHIBIT A**

### **HUD INCOME LIMITS - SAN DIEGO COUNTY**

The following figures are approved by the U. S. Department of Housing and Urban Development (H.U.D.) for use in the **County of San Diego** to define and determine housing eligibility by income level.

<b>Area Median: \$63,400</b>					
<b>Family Size</b>	<b>Extremely Low</b>	<b>Very Low</b>	<b>Lower</b>	<b>Median</b>	<b>Moderate</b>
<b>1 Person</b>	14,400	24,000	38,350	44,400	53,250
<b>2 Person</b>	16,450	27,400	43,850	50,700	60,900
<b>3 Person</b>	18,500	30,850	49,300	57,050	68,500
<b>4 Person</b>	20,550	34,250	54,800	63,400	76,100
<b>5 Person</b>	22,200	37,000	59,200	68,450	82,200
<b>6 Person</b>	23,850	39,750	63,550	73,550	88,300
<b>7 Person</b>	25,500	42,450	67,950	78,600	94,350
<b>8 Person</b>	27,150	45,200	72,350	83,700	100,450

Figures are per the Department of Housing and Community Development (California), Division of Housing Policy Development, effective **January 28, 2004**.

**EXHIBIT B**

**BUSINESS INTERVIEW FORM**



# OVERLAND, PACIFIC & CUTLER, INC. - BUSINESS INTERVIEW FORM

CASE ID: \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_

PROJECT: \_\_\_\_\_

AGENCY: \_\_\_\_\_

CONSULTANT: \_\_\_\_\_

## OCCUPANT INFORMATION:

Claimant: \_\_\_\_\_  
(Business Name)

Address: \_\_\_\_\_

Site Owner: \_\_\_\_\_

## MAJOR EVENTS:

Site Move-In:                      /                      /

First Offer:                      /                      /

Initial Interview:                      /                      /

	NAME	TITLE	PHONE
CONTACT 1:	_____	_____	(       )       -
CONTACT 2:	_____	_____	(       )       -

OWNERSHIP TYPE:    ☐ Sole Proprietorship    ☐ Partnership    ☐ Corporation    ☐ Non-Profit

OCCUPANCY STATUS: ☐ Rent    ☐ Lease    ☐ Mortgage    ☐ Own (Clear)    ☐ Vacant    ☐ No Contact

ETHNICITY:            ☐ White    ☐ Hispanic    ☐ Black    ☐ Asian    ☐ Other: \_\_\_\_\_

PRIMARY LANGUAGE: ☐ English    ☐ Spanish    ☐ Other: \_\_\_\_\_

## BUSINESS INFORMATION

### Business Description:

☐ Relocate Business

☐ Willing to Relocate from Community

Monthly Occupancy Payment: \$ \_\_\_\_\_

Federal Tax ID: \_\_\_\_\_

Number of Employees: \_\_\_\_\_

Annual Gross Sales: \$ \_\_\_\_\_

Annual Net Income: \$ \_\_\_\_\_

### Special Features/Improvements:

### Area/Facility Preference:

### FACILITY AREA (SQ.FT):

Office/Retail: \_\_\_\_\_

Whse/Shop: \_\_\_\_\_

Open Yard: \_\_\_\_\_

**EXHIBIT C**

**RESIDENTIAL INTERVIEW FORM**

CASE # \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_

FUNDING SOURCE: \_\_\_\_\_

**OVERLAND, PACIFIC & CUTLER, INC. - RESIDENTIAL INTERVIEW FORM**

Interview Date: \_\_\_\_\_ Site Move-In: \_\_\_\_\_ Initiation of Negotiations: \_\_\_\_\_ interviewer: \_\_\_\_\_

Head of Household \_\_\_\_\_

Address: \_\_\_\_\_ # \_\_\_\_\_

Site Telephone # \_\_\_\_\_ Work/Cell # \_\_\_\_\_

Fax # \_\_\_\_\_ Email \_\_\_\_\_

Social Security Number \_\_\_\_\_

Occupancy Status: ☐ Own ☐ Rent

Dwelling Type \_\_\_\_\_ Approx. Sq.Ft. \_\_\_\_\_

Approximate Age of Unit: \_\_\_\_\_ yrs. \_\_\_\_\_

# Bedrooms \_\_\_\_\_ # Bathrooms \_\_\_\_\_ # Rooms \_\_\_\_\_ ☐ Laundry Fac.☐ Garage ☐ Carport ☐ Pets: If so, describe \_\_\_\_\_Condition of unit : ☐ Excellent ☐ Good ☐ Fair ☐ PoorOwners: ☐ Mortgage ☐ Own Clear

Monthly Payment: Principal \$ \_\_\_\_\_ \$ \_\_\_\_\_

Loan Balance(s) as of \_\_\_\_\_ : \$ \_\_\_\_\_

Loan Type: ☐ Fixed ☐ Variable Annual % Rate \_\_\_\_\_Loan Type: ☐ Fixed ☐ Variable Annual % Rate \_\_\_\_\_

Original Date(s) of Current Loan(s) : \_\_\_\_\_

Rem. Loan Term \_\_\_\_\_ Months Rem. Loan Term \_\_\_\_\_ Months

Renters: ☐ Total Monthly Rent: \$ \_\_\_\_\_ Landlord \_\_\_\_\_☐ Written Agreement Date \_\_\_\_\_☐ M/M ☐ Lease ☐ Vacant/No Contact

Mobile Home: Size: \_\_\_\_\_ ft x \_\_\_\_\_ ft

Year: \_\_\_\_\_ Model: \_\_\_\_\_ Pad Rent: \$ \_\_\_\_\_

If Sect.8, Total Tenant Rent. \$ \_\_\_\_\_

Caseworker: \_\_\_\_\_ Telephone

#: \_\_\_\_\_

☐ Unit Furnished ☐ Unit Unfurnished ☐ Security Deposit? \$ \_\_\_\_\_Do you rent out any rooms in the dwelling? ☐ Yes ☐ No

If so, names: \_\_\_\_\_

If so, is person or persons considered part of household? ☐ Yes ☐ No**ETHNICITY:**☐ White ☐ Asian☐ Hispanic/Latino☐ African American☐ Other \_\_\_\_\_**PRIMARY LANGUAGE:**☐ English ☐ Spanish☐ Other: \_\_\_\_\_**Did all occupants move in at the same time?**☐ Yes ☐ No

If not, when?

Occupant #1 \_\_\_\_\_

Occupant #2 \_\_\_\_\_

Occupant #3 \_\_\_\_\_

Occupant #4 \_\_\_\_\_

Occupant #5 \_\_\_\_\_

Occupant #6 \_\_\_\_\_

Occupant #7 \_\_\_\_\_

Preferred Relocation Area:

Home business? \_\_\_\_\_

Description:

☐ AFDC/TANF, Pension/SS, SSI☐ Other Public Assistance  
(ask for Entitlement Letter)☐ Elderly Household☐ Handicapped Household:

Describe: \_\_\_\_\_

Need Barrier-Free: Yes ☐ No ☐☐ Need access to public trans?

Describe mode: \_\_\_\_\_

☐ Need to live near medical facilities?

Describe location: \_\_\_\_\_

☐ Special needs /service used:

Describe: \_\_\_\_\_

Own Car? Yes ☐ No ☐**Monthly Utilities:****Gas:** ☐ Tenant ☐ Owner

What \_\_\_\_\_

**What** \_\_\_\_\_**Electricity:** ☐ Tenant ☐ Owner **Water:**☐ Tenant ☐ Owner**Other:** \_\_\_\_\_**Appliances Owned by Tenant:**☐ Stove ☐ Refrigerator ☐ W/D☐ Other \_\_\_\_\_**Notes:**

I certify that all the information on this survey is true and correct.

Respondent: \_\_\_\_\_

Date: \_\_\_\_\_ Effective 8/03

**EXHIBIT D**

**BUSINESS INFORMATIONAL BROCHURE**

## INFORMATIONAL STATEMENT FOR BUSINESSES, NONPROFIT ORGANIZATIONS AND FARMS

### Introduction

The property on which you now conduct your business is in an area to be improved with the assistance of the **San Diego Redevelopment Agency** ("Displacing Agency"). The Agency's plans require the acquisition of several land parcels and the relocation of existing commercial uses. You will be notified in a timely manner as to the date by which you must move.

Please read this information as it will be helpful to you in determining your eligibility and the amount of your relocation benefits under the federal and/or state law. We suggest you save this informational statement for reference. The project which will require your relocation is funded by the developer with the assistance of the Agency. No federal funds are involved in the project. California law regarding relocation assistance is described in Section 7260 et seq. of the California Government Code. The State relocation guidelines are described in Title 25 Chapter 6 of the California Code of Regulations.

This is not a notice to move. It is important that you do not move before you learn what you must do to receive relocation payments and other assistance to which you may be entitled. The Agency has retained the services of Overland, Pacific & Cutler, Inc. (OPC), a qualified professional relocation firm, to assist you. The firm is available to explain the program and benefits. Their address and telephone number is:

**Overland, Pacific & Cutler, Inc.**  
**3170 Fourth Ave., 2<sup>nd</sup> Floor**  
**San Diego, CA 92103**  
**Telephone: (619) 688-7980**

Spanish speaking representatives are available. **Si necesita esta información en Español, por favor llame a su representante.**

### Summary of Relocation Assistance

As an eligible displaced person, you will be offered appropriate financial and advisory assistance to help you relocate, including:

- A. Payment for your moving expenses. You will receive either:
  - A Payment for Actual Reasonable Moving and Related Expenses, or
  - A Fixed Payment In Lieu of a Payment for Actual Moving and Related Expenses
- B. Referrals to suitable replacement locations.
- C. Other help to reestablish your business and minimize the impact of the move including help in preparing claim forms to request relocation payments.

If you disagree with the Agency's decision as to your right to a relocation payment, or the amount of the payment, you may appeal that decision.

## **SOME GENERAL QUESTIONS**

### **How will I know I am eligible for relocation assistance?**

You should receive a written notice explaining that you are eligible for relocation assistance. Ordinarily, eligibility begins on the date the owner of the property receives the Agency's initial written offer to purchase it. Therefore, you should not move before that date. If you do, you may not be eligible for relocation assistance.

### **How Will the Agency Know How Much Help I Need?**

You will be contacted at an early date and personally interviewed by a representative of the Agency to determine your needs and preferences for a replacement location and other services. The interviewer will ask questions about such matters as your space requirements. It is to your advantage to provide the information so that the Agency can assist you in moving with a minimum of hardship. The information you give will be kept in confidence.

### **How Soon Will I Have to Move?**

Every reasonable effort will be made to provide you with sufficient time to find and reestablish your business in a suitable replacement location. If possible, a mutually agreeable date for the move will be worked out. Unless there is an urgent need for the property (e.g., your occupancy would present a health or safety emergency), you will not be required to move without at least 90 days advance written notice. It is important, however, that you keep in close contact with the Agency so that you are aware of the time schedule for carrying out the project and the approximate date by which you will have to move.

### **I Own The Property, Will I Be Paid For It Before I Have To Move?**

If you reach a voluntary agreement to sell your property to the Agency, you will not be required to move before you receive the agreed purchase price. If the property is acquired through an eminent domain proceeding, you cannot be required to move before the estimated fair market value of the property has been deposited with the court. (You should be able to withdraw this amount immediately, less any amounts necessary to pay off any mortgage or other liens on the property and to resolve any special ownership problems. Withdrawal of your share of the money will not affect your right to seek additional compensation for your property).

### **Will I Have To Pay Rent To The Agency Before I Move?**

You may be required to pay a fair rent to the Agency for the period between the acquisition of your property and the date that you move. The rent will not exceed that charged for the use of similar properties in similar areas, however, rent is generally the same as in the prior arrangement.

### **How Will I Find A Replacement Location?**

The Agency will provide you with current and continuing information on available replacement locations that meet your needs. The Agency may also provide you with the names of real estate agents and brokers who can assist you in finding the type of replacement location you need. While the Agency will assist you in obtaining a suitable replacement location, you should take an active role in finding and relocating to a location of your choice. No one knows your needs better than you. You will want a facility that provides sufficient space for your planned activities. You will also want to assure that there are no zoning or other requirements which will unduly restrict your planned operations. Ask the Agency to explain which kind of moving costs are eligible for repayment and which are not eligible. That will enable you to carry out your move in the most advantageous manner.

### **What Other Assistance Will be Available To Help Me?**

In addition to help in finding a suitable replacement location, other assistance, as necessary, will be provided by the Agency. This includes information on Federal, State, and local programs that may be of help in reestablishing a business. For example, the Small Business Administration (SBA) provides managerial and technical assistance to some businesses. The range of services depends on the needs of the business being displaced.

### **I Have A Replacement Location And Want To Move. What Should I Do?**

Before you make any arrangements to move, notify the Agency, in writing, of your intention to move. This should be done at least 30 days before the date you begin your move. The Agency will discuss the move with you and advise you of the relocation payment(s) for which you may be eligible, the requirements to be met, and how to obtain a payment.

### **I Plan To Discontinue My Business Rather Than Move. What Should I Do?**

If you have decided to discontinue your business rather than reestablish, you may still be eligible to receive a payment. Contact the Agency and discuss your decision to discontinue your business. You will be informed of the payment, if any, for which you may be eligible, the requirements to be met, and how to obtain your payment.

### **What Payment For Moving Expenses will I receive?**

Every business is entitled to a relocation payment to cover the reasonable cost of moving. You may choose either:

- A. **A Payment For Actual Reasonable Moving and Related Expenses**, or
- B. **A Fixed Payment In Lieu of Moving and Related Expenses** (if you meet the eligibility requirements).

### **What is Payment For Actual Reasonable Moving And Related Expenses?**

If you choose a Payment For Actual Reasonable Moving And Related Expenses, you may claim the cost of:

- A. Transportation of personal property from your present location to the replacement location. (Generally, transportation costs are limited to a distance of 50 miles. If you plan to move beyond 50 miles, discuss your planned move with the Agency.)
- B. Packing, crating, uncrating, and unpacking personal property.
- C. Disconnecting, dismantling, removing, reassembling, and installing relocated and substitute machinery, equipment and other personal property. This includes connection to utilities available nearby and modifications necessary to adapt such property to the replacement structure or to the utilities or to adapt the utilities to the personal property. This includes alterations to the replacement structure required to reinstall machinery, equipment or other personal property
- D. Storage of personal property for a reasonable period of time, if required.
- E. Insurance of personal property in connection with the move and required storage. And the replacement value of property lost, stolen, or damaged in the process of moving where insurance is not readily available.
- F. Any license, permit or certification required by the displaced business, to the extent that the cost is (1) necessary to its reestablishment at the replacement location and (2) does not exceed the cost for the remaining useful life of the existing license, permit, or certification.
- G. Reasonable and preauthorized professional services, including architect's, attorney's, and engineer's fees, and consultant's charges, necessary for (1) planning the move of the personal property, (2) moving the personal property, or (3) installing the relocated personal property at the replacement location.
- H. Relettering signs, printing replacement stationery made obsolete by the move and customer notifications.
- I. The reasonable cost incurred in attempting to sell an item that is not relocated.
- J. Actual direct loss of personal property. This payment provides compensation for property that is neither moved nor promptly replaced with a "substitute item" at the replacement location. Payment is limited to the lesser of: (1) the estimated cost of moving the property or (2) the fair market value of the property for its

continued use at the old location, less any proceeds from its sale. To be eligible, you must make a good faith effort to sell the property, unless the Agency determines that such effort is not necessary.

- K. Purchase and installation of substitute personal property. Payment will be limited to the lesser of: (1) the estimated cost to move the item to the replacement location, or (2) the actual cost of the substitute item delivered and installed at the replacement location, less any proceeds from its sale or its trade-in value. It is important to discuss your plans with the Agency before you proceed.
- L. Searching for a replacement location. This payment may not exceed \$1,000.00 and may cover costs for:
- Transportation expenses
  - Time spent searching for a replacement location, based on a reasonable salary or earnings
  - Reasonable fees paid to real estate agents or brokers to find a replacement location (not fees related to the purchase of a site)
  - Meals and lodging away from home

The Agency representative will explain all eligible moving costs, as well as, those which are not eligible. You must be able to account for all costs that you incur; so keep all your receipts. The Agency will inform you of the documentation needed to support your claim.

You may minimize the amount of documentation needed to support your claim, if you elect to "self-move" your property. Payment for self-move is based on the amount of an acceptable low bid or estimate obtained by the Agency. If you self-move, you may move your personal property using your own employees and equipment or a commercial mover. If you and the Agency cannot agree on an acceptable amount to cover the cost of the "self-move," you will have to submit full documentation in support of your claim.

You may elect to pay your moving costs yourself and be repaid by the Agency or, if you prefer, you may have the Agency pay the mover. In either case, let the Agency know before you move. Select your mover with care. The Agency representative can help you select a reliable and reputable mover.

When a payment for "actual direct loss of personal property" or "substitute personal property" is made for an item, the estimated cost of moving the item may be based on the lowest acceptable bid or estimate obtained by the Agency. If not sold or traded-in, the item must remain at the old location and ownership of the item must be transferred to the Agency before you may receive the payment.

### **What are Reestablishment Expenses?**

As part of Payment For Actual Reasonable Moving And Related Expenses, a small business, farm or non-profit organization may be eligible to receive a payment of up to \$10,000 for expenses actually incurred in relocating and reestablishing such operation at a replacement site.

Eligible expenses must be reasonable and necessary, as determined by the Agency. They may include but are not limited to the following:

- A. Repairs or improvements to the replacement real property as required by federal, state or local law, code or ordinance.
- B. Modifications to the replacement property to accommodate the business operation or make replacement structures suitable for conducting the business.
- C. Construction and Installation costs for exterior signage to advertise the business.
- D. Provision of utilities from right-of-way to improvements on the replacement site.
- E. Redecoration or replacement of soiled or worn surfaces at the replacement site, such as paint, paneling or carpeting.



- F. Licenses, fees, and permits where not paid as part of moving expenses.
- G. Feasibility surveys, soil testing and marketing studies.
- H. Advertising of replacement location.
- I. Professional services in connection with the purchase or lease of a replacement site.
- J. Estimated increased costs of operation during the first 2 years at the replacement site, for such items as:
  - 1. Lease or rental changes
  - 2. Personal or real property taxes
  - 3. Insurance premiums, and
  - 4. Utility charges(excluding Impact fees)
- K. Impact fees or one-time assessments for anticipated heavy utility usage.
- L. Other items that the Agency considers essential to the reestablishment of the business.

#### **What Expenses Are Ineligible for Reestablishment Payment?**

The following is a non-exclusive listing of reestablishment expenditures not considered to be reasonable, necessary or otherwise eligible:

- A. Purchase of capital assets, such as, office furniture, filing cabinets, machinery or trade fixtures.
- B. Purchase of manufacturing materials, production supplies, product inventory, or other items used in the normal course of the business operation.
- C. Interior or exterior refurbishments at the replacement except as otherwise provided for under the business reestablishment payment.
- D. Interest costs associated with any relocation expense or the purchase of replacement property.
- E. Payment to a part-time business in the home which does not contribute materially to the household income.

#### **What is Fixed Payment In Lieu Of A Payment For Actual Reasonable Moving And Related Expenses?**

A Fixed Payment In Lieu Of A Payment For Actual Reasonable Moving And Related Expenses to a business or farm operation is based on the average annual net earnings of the business or farm operation. The payment to an eligible business or farm operation may not be less than \$1,000, nor more than \$20,000. The nonprofit organization may be eligible for a payment from \$1,000 to \$20,000 subject to the following:

A displaced nonprofit organization may choose a fixed payment as stated above if the Agency determines that it cannot be relocated without a substantial loss of existing patronage (membership or clientele.) A nonprofit organization is assumed to meet this test, unless the Agency demonstrates otherwise. Any payment in excess of \$1,000, must be supported with financial statements for the two 12 month periods prior to displacement. The amount to be used for the payment is the average of the last two (2) years annual net earnings. Documentation required may be income tax returns, certified financial statements and accounting records or other similar evidence acceptable to the Agency. To qualify for an In-Lieu payment:

- A. A displaced **business**:
  - 1. must own or rent personal property which must be moved in connection with the displacement and for which an expense would be incurred in such move, and the business vacates or relocates from its displacement site.

2. must be unable to relocate without a substantial loss of existing patronage.
3. must not be part of a commercial enterprise having more than one other entity which is not being acquired by the Agency, and which are under the same ownership and engaged in the same or similar business activities.
4. must not be operated at a displacement dwelling solely for the purpose of renting such dwelling to others.
5. must not be operated at the displacement site solely for the purpose of renting the site to others.
6. must have contributed materially to the income of the displaced person during the two (2) taxable years prior to displacement.

B. A displaced **nonprofit organization** (1) must be unable to relocate without a substantial loss of its existing patronage, and (2) must not be part of an enterprise having another establishment which is not being acquired by the Agency.

C. A displaced **farm operation** must meet certain minimum income requirements.

The average annual net earnings of a business farm operation are one-half of its net earnings before Federal, State, or local income taxes during the two (2) taxable years immediately prior to the taxable year in which it was displaced. If not in business for a full two years prior to displacement, the net earnings shall be based on the actual period of operation at the acquired site projected to an annual rate. Average net earnings may be based on a different period of time when the Agency determines it to be more equitable. Net earnings include any compensation paid to the owners of the business, a spouse or dependents. The displaced person shall furnish the Agency proof of net earnings through income tax returns, certified financial statements, or other reasonable evidence which the Agency determines is satisfactory.

The Agency will inform you as to your eligibility for this payment and the documentation you must submit to support your claim. Remember, when you elect to take this payment you are not entitled to reimbursement for any other (actual) moving expenses.

### **I Own An Outdoor Advertising Display. What Relocation Payment Will I Receive?**

As the owner of an outdoor advertising display, you are eligible for a Relocation Payment For Actual Reasonable Moving And Related Expenses. You are not eligible to receive a Payment In Lieu Of A Payment For Actual Reasonable Moving And Related Expenses.

If you choose not to relocate or replace the sign, the payment for "direct loss of personal property" would be the lesser of: (1) the depreciated reproduction cost of the sign, as estimated by the Agency, less the proceeds from its sale, or (2) the estimated cost of moving the sign without temporary storage. The Agency will inform you as to the exact costs that may be reimbursed.

### **How do I File A Claim For A Relocation Payment?**

You must file a claim for a relocation payment. The Agency will provide you with the required claim forms, assist you in completing them, and explain the type of documentation that you must submit in order to receive your relocation payments. If you must pay any relocation expenses before you move (e.g., because you must provide security deposit if you lease your new location), discuss your financial needs with the Agency. You may be able to obtain an advance payment. An advance payment may be placed in "escrow" to ensure that the move will be completed on a timely basis.

If you are a tenant, you must file your claim within 18 months after the date you move. If you own the property, you must file within 18 months after the date you move, or the date you receive the final acquisition payment, whichever is later. However, it is to your advantage to file as soon as possible after you move. The sooner you

submit your claim, the sooner it can be processed and paid. If you are unable to file your claim within 18 months, the Agency may extend this period.

You will be paid promptly after you file an acceptable claim. If there is any question regarding your right to a relocation payment or the amount of the payment, you will be notified, in writing, of the problem and the action you may take to resolve the matter.

### **Appeals**

If you disagree with the Agency's decision as to your right to a relocation payment or the amount of payment, you may appeal the decision to the Agency. The Agency will inform you of its appeal procedures. At a minimum, you will have 18 months to file your appeal with the Agency. Your appeal must be in writing. However, if you need help, the Agency will assist you in preparing your appeal. If you are not satisfied with the final appeal decision, you may seek review of the matter by the courts.

### **Tax Status of Relocation Benefits**

Relocation benefit payments are not considered as income for the purpose of the Internal Revenue Code of 1986 or the Personal Income Tax Law, Part 10 (commencing with Section 17001) of Division 2 of the Revenue and Taxation Code, or the Bank and Corporation Tax law, Part 11 (commencing with Section 23001) of Division 2 of the Revenue and Taxation Code.

### **Lawful Presence Requirement**

Pursuant to the Public Law 105-117 of 11-21-97, in order to be eligible to receive non-residential relocation benefits in federally-funded relocation projects, the owner of a sole proprietorship and all owners of a partnership must provide information regarding their lawful presence in the United States, and a for-profit or a non-profit corporation must certify that it is authorized to conduct business in the United States. Sole proprietorships or partnerships with owners who are not lawfully present in the United States or who decline to provide this information, may be denied relocation benefits. Relocation benefits will be prorated to reflect the number of owners with certified lawful presence in the US.

### **Additional Information**

If you have further questions after reading this brochure, contact Pacific Relocation Consultants and discuss your concerns with your relocation representative. You may wish to read the California Relocation Assistance Act regulations which describes the relocation process in more detail.

**EXHIBIT E**

**RESIDENTIAL INFORMATIONAL BROCHURE**

# INFORMATIONAL STATEMENT FOR FAMILIES AND INDIVIDUALS

1. GENERAL INFORMATION
2. ASSISTANCE IN LOCATING A REPLACEMENT DWELLING
3. MOVING BENEFITS
4. REPLACEMENT HOUSING PAYMENT - TENANTS AND CERTAIN OTHERS
5. REPLACEMENT HOUSING PAYMENT - HOMEOWNERS
6. QUALIFICATION FOR AND FILING OF RELOCATION CLAIMS
7. LAST RESORT HOUSING ASSISTANCE
8. RENTAL AGREEMENT
9. APPEAL PROCEDURES - GRIEVANCE
10. TAX STATUS OF RELOCATION BENEFITS
11. LEGAL PRESENCE REQUIREMENT
12. ADDITIONAL INFORMATION AND ASSISTANCE AVAILABLE

## I. GENERAL INFORMATION

The building in which you now live is in an area to be improved with the assistance of the **San Diego Redevelopment Agency** ("Displacing Agency"). As the project schedule proceeds, it will be necessary for you to move from your dwelling. You will be notified in a timely manner as to the date by which you must move.

Please read this information as it will be helpful to you in determining your eligibility and the amount of your relocation benefits under the federal and/or state law. We suggest you save this informational statement for reference. The project which will require your relocation is funded by the developer with the assistance of the Agency. No federal funds are involved in the project. California law regarding relocation assistance is described in Section 7260 et seq. of the California Government Code. The State relocation guidelines are described in Title 25 Chapter 6 of the California Code of Regulations.

The Agency has retained the services of Overland, Pacific & Cutler (OPC), a qualified professional relocation firm, to assist you. A representative of the firm is available to explain details of the relocation program and the determination of relocation assistance benefits. Their address and telephone number is:

**Overland, Pacific & Cutler, Inc.**  
**3170 Fourth Ave., 2<sup>nd</sup> Floor**  
**San Diego, CA 92103**  
**Telephone: (619) 688-7980**

Spanish speaking representatives are available. **Si necesita esta información en Español, por favor llame a su representante.**

### **PLEASE DO NOT MOVE PREMATURELY. THIS IS NOT A NOTICE TO VACATE YOUR DWELLING.**

However, if you desire to move sooner than required, you must contact your representative with Overland, Pacific & Cutler so you will not jeopardize any benefits. This is a general informational brochure only, and is not intended to give a detailed description of either the law or regulations pertaining to the Agency's relocation assistance program.

## II. ASSISTANCE IN LOCATING A REPLACEMENT DWELLING

The Agency, through its representatives, will assist you in locating a comparable replacement dwelling by providing referrals to appropriate and available housing units. You are encouraged to actively seek such housing yourself.

When a suitable replacement dwelling unit has been found, your relocation consultant will carry out an inspection and advise you as to whether the dwelling unit meets decent, safe and sanitary housing requirements. A decent, safe and sanitary housing unit provides adequate space for its occupants, proper weatherproofing and sound

heating, electrical and plumbing systems. Your new dwelling must pass inspection before relocation assistance payments can be authorized.

### III. MOVING BENEFITS

If you must move as a result of displacement by the Agency, you will receive a payment to assist in moving your personal property. There are two types of moving payments. You have the option of selecting either one of the following types of moving payments:

#### A. Fixed Moving Payment

A Fixed Moving Payment is based upon the number of rooms you occupy and whether or not you own your own furniture. The payment is based upon a schedule approved by the Agency, and ranges, for example, from \$375 for one furnished room to \$2,000 for eight rooms in an unfurnished dwelling. (For details see the table below). Your relocation representative will inform you of the amount you are eligible to receive if you choose this type of payment.

FIXED MOVING SCHEDULE - CALIFORNIA (effective Sep 2001)			
Occupant owns furniture		Occupant does NOT own furniture	
1 room	\$575.00	1 room	\$375.00
2 rooms	\$750.00	each additional room	\$60.00
3 rooms	\$925.00		
4 rooms	\$1,100.00		
5 rooms	\$1,325.00		
6 rooms	\$1,550.00		
7 rooms	\$1,775.00		
8 rooms	\$2,000.00		
each additional room	\$200.00		

If you select a fixed payment, you will be responsible for arranging for your own move and the Agency will assume no liability for any loss or damage of your personal property.

#### B. Actual Moving Expense (Professional Move)

If you wish to engage the services of a licensed commercial mover and have the Agency pay the bill, you may claim the ACTUAL cost of moving your personal property up to 50 miles. Your relocation representative will inform you of the number of competitive moving bids (if any) which may be required, and assist you in developing a scope of services for Agency approval.

### IV. REPLACEMENT HOUSING PAYMENT - TENANTS AND CERTAIN OTHERS

You may be eligible for a payment of up to \$5,250 to assist you in renting or purchasing a comparable replacement dwelling if: 1) you have actually and lawfully occupied the dwelling from which you will be displaced for not less than 90 days immediately prior to the Agency's first offer to purchase the property; 2) the dwelling from which you will be displaced is your permanent or customary and usual place of abode; 3) you rent or purchase and occupy a decent, safe and sanitary dwelling within 1 year after the date you vacate the displacement dwelling.

- A. **Rental Assistance.** If you qualify, and **wish to rent** your replacement dwelling, your rental assistance benefits will be based upon the difference over a 42 month period between the rent you must pay for a comparable replacement dwelling and the lesser of your current rent including a utility allowance or 30% of your gross monthly household income. You will be required to provide your relocation representative with

monthly rent and household income verification prior to the determination of your eligibility for this payment. In the case of dependents (an individual or household receiving 50% or more of household income from gifts, academic scholarships or stipends), the average monthly rent including a utility allowance substitutes for income in the determination of rental assistance benefits.

- OR -

- B. **Down-payment Assistance.** If you qualify, and **wish to purchase** a home as a replacement dwelling, you can apply up to the total amount of your rental assistance payment towards the down-payment and non-recurring incidental expenses. Your relocation representative will clarify procedures necessary to apply for this payment.

## V. REPLACEMENT HOUSING PAYMENT - HOMEOWNERS

- B. If you owned and occupied a dwelling purchased by the Agency for **at least 180 days** prior to the first offer to purchase, you may be eligible to receive a payment of up to \$22,500 to assist you in purchasing a comparable replacement unit. If you owned and occupied the displacement dwelling for **at least 90 days but not more than 180 days** immediately prior to the date of the Agency's offer to purchase, you may be eligible for a payment of up to \$5,250. This payment is intended to cover the following items:

1. **Purchase Price Differential** - An amount which, when added to the amount for which the Agency purchased your property, equals the lesser of the actual cost of your replacement dwelling; **or** the amount determined by the Agency as necessary to purchase a comparable replacement dwelling. Your relocation representative will explain both methods to you.
2. **Mortgage Interest Differential** - The amount which covers the increased interest costs, if any, required to finance a replacement dwelling. Your relocation representative will explain limiting conditions.
3. **Incidental Expenses** - Those one time costs incidental to purchasing a replacement unit, such as escrow fees, recording fees, and credit report fees. Recurring expenses such as prepaid taxes and insurance premiums are not compensable.

- B. **Rental Assistance Option** - If you are an owner-occupant and choose to rent rather than purchase a replacement dwelling, you may be eligible for a rental assistance payment of up to \$5,250. The payment will be based on the difference between the fair market rent of the dwelling you occupy and the rent you must pay for a comparable replacement dwelling.

If you receive a rental assistance payment, as described above, and later decide to purchase a replacement dwelling, you may apply for a payment equal to the amount you would have received if you had initially purchased a comparable replacement dwelling, less the amount you have already received as a rental assistance payment.

## VI. QUALIFICATION FOR AND FILING OF RELOCATION CLAIMS

To qualify for a Replacement Housing Payment, you must rent or purchase and occupy a comparable replacement unit **within one year from the later of** the following:

1. For a tenant, the date you move from the displacement dwelling
2. For an owner-occupant, the date you receive final payment for the displacement dwelling, or, in the case of condemnation, the date the full amount of estimated just compensation is deposited in court, or
3. The date the Agency fulfills its obligation to make available comparable replacement dwellings.

All claims for relocation benefits must be filed with the Agency **within eighteen (18) months** from the date on which you receive final payment for your property, or the date on which you move, whichever is later.

## **VII. LAST RESORT HOUSING ASSISTANCE**

If comparable replacement dwellings are not available when you are required to move, or if replacement housing is not available within the monetary limits described above, the Agency will provide Last Resort housing assistance to enable you to rent or purchase a replacement dwelling on a timely basis. Last Resort housing assistance is based on the individual circumstances of the displaced person. Your relocation representative will explain the process for determining whether or not you qualify for Last Resort assistance.

If you are a tenant, and you choose to purchase rather than rent a comparable replacement dwelling, the entire amount of your rental assistance and last resort eligibility must be applied toward the down-payment of the home you intend to purchase.

## **VIII. RENTAL AGREEMENT**

As a result of the Agency's action to purchase the property where you live, you may become a tenant of the Agency. If this occurs, you will be asked to sign a rental agreement which will specify the monthly rent to be paid, when rent payments are due, where they are to be paid and other pertinent information.

Except for the causes of eviction set forth below, no person lawfully occupying property to be purchased by the Agency will be required to move without having been provided with at least 90 days written notice from the Agency. Eviction will be undertaken only in the event of one or more of the following infractions:

- A. Failure to pay rent; except in those cases where the failure to pay is due to the lessor's failure to keep the premises in habitable condition, is the result of harassment or retaliatory action or is the result of discontinuation or substantial interruption of services;
- B. Performance of dangerous illegal act in the unit;
- C. Material breach of the rental agreement and failure to correct breach within 30 days of notice;
- D. Maintenance of a nuisance and failure to abate within a reasonable time following notice;
- E. Refusal to accept one of a reasonable number of offers of replacement dwellings; or
- F. The eviction is required by State or local law and cannot be prevented by reasonable efforts on the part of the public entity.

## **IX. APPEAL PROCEDURES - GRIEVANCE**

Any person aggrieved by a determination as to eligibility for a relocation payment, or the amount of a payment, may have his/her claim reviewed or reconsidered in accordance with the Agency's appeals procedure. Complete details on appeal procedures are available upon request from the Agency.

## **X. TAX STATUS OF RELOCATION BENEFITS**

Relocation benefit payments are not considered as income for the purpose of the Internal Revenue Code of 1986 or the Personal Income Tax Law, Part 10 (commencing with Section 17001) of Division 2 of the Revenue and Taxation Code, or the Bank and Corporation Tax law, Part 11 (commencing with Section 23001) of Division 2 of the Revenue and Taxation Code.

## **XI. LAWFUL PRESENCE REQUIREMENT**

Pursuant to the Public Law 105-117 of 11-21-97, in order to be eligible to receive relocation benefits in federally-funded relocation projects, all members of the household to be displaced must provide information regarding their lawful presence in the United States. In federal projects, any member of the household who is not lawfully present in the United States or declines to provide this information, may be denied relocation benefits. Relocation benefits will be prorated to reflect the number of household members with certified lawful presence in the US.



## **XII. ADDITIONAL INFORMATION AND ASSISTANCE AVAILABLE**

Those responsible for providing you with relocation assistance hope to assist you in every way possible to minimize the hardships involved in relocating to a new home. Your cooperation will be helpful and greatly appreciated. If you have any questions at any time during the process, please do not hesitate to contact your relocation representative.

OPC-September, 2003

**EXHIBIT F**

**PUBLIC COMMENTS AND RESPONSE**